



**U.S. Department
of Transportation**

1200 New Jersey Ave., S.E.
Washington, DC 20590

Office of the Secretary
of Transportation

SUBJECT: Class Deviation No. 2025-13 from the Federal Acquisition Regulation for FAR Part 35 in Support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

FROM: Chrishaun Jones
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TO: Department of Transportation Chiefs of the Contracting Offices

- I. Purpose:** This class deviation (CD) is issued under Federal Acquisition Regulation (FAR) part 1 and Transportation Acquisition Regulation (TAR) part 1201 and authorizes a class deviation to FAR part 35 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR part 35.
- II. Effective Date:** Immediately
- III. Background:** On April 15, 2025, [Executive Order \(E.O.\) 14275 on Restoring Common Sense to Federal Procurement](#) was signed. Section 2 of the E.O. establishes the policy that the FAR "should only contain provisions required by statute or essential to sound procurement, and any FAR provisions that do not advance these objectives should be removed."

The FAR is being updated to:

- Remove language that is not required by statute
- Remove duplicative or outdated language
- Clarify or provide more plain language
- Revise language for the new FAR framework
- Retain language necessary for governmentwide acquisition standards.

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative.

FAR Part 35, Research and Development Contracting, moves away from a prescriptive, specialized regulatory framework for research and development (R&D) contracting toward a streamlined structure that empowers acquisition professionals and makes the federal R&D environment more attractive for innovative commercial firms.

The part is streamlined from 25 to 20 components (subparts, sections, subsections) that are reorganized in a more logical flow of the procurement lifecycle. This significant update greatly improves the usability of the content.

Statutory requirements retained in the RFO FAR part 35 model deviation include, but are not limited to, the following:

- 31 U.S.C. § 6303, Using Procurement Contracts
- 10 U.S.C. § 4126, Use of Federally Funded Research and Development Centers

The following table is not an exhaustive list but includes notable updates to FAR part 35.

Change	Description
Retained	<ul style="list-style-type: none"> • The definitions of “Applied Research” and “Development” are retained at 35.001. • The section titled “Policy” (moved from 35.003 to 35.002) is retained and has been streamlined to remove reference to “Recoupment.” • New subparts 35.1, Presolicitation, 35.2, Evaluation and Award, and 35.3, Postaward create logical organization in alignment with the acquisition lifecycle, creating clear points of reference. <ul style="list-style-type: none"> ○ “Solicitations” (moved from 35.007 to 35.101) has been updated to include plain language improvements. ○ “Broad agency announcements” (moved from 35.016 to 35.102) retains core substance and unique procedures and has been updated with plain language improvements. ○ “Evaluation for award” (moved from 35.008 to 35.201) has been updated to include plain language improvements. ○ “Scientific and technical reports” (moved from 35.010 to 35.301) has been updated to include plain language improvements. • Policies and procedures for “Federally Funded Research and Development Centers” (moved from 35.017 to 35.4) are retained with plain language improvements.
Removed	<ul style="list-style-type: none"> • The definition of “Recoupment” at section 35.001. • Section 35.002, “General” provided the context for R&D contracting. Its removal streamlines the part. • Section 35.004, “Publicizing Requirements” was removed as largely duplicative of FAR part 5. • Section 35.005, “Work Statement” was removed to provide acquisition teams greater flexibility in crafting requirements best suited for the R&D effort. • Section 35.006, “Contracting Methods and Contract Type” was removed as duplicative of FAR part 16.

	<ul style="list-style-type: none"> • The sections titled “Subcontracting research and development effort” (35.009), “Data” (35.011), “Patent Rights” (35.012), “Insurance” (35.013), and “Government property and title” (35.014) are removed as they are covered elsewhere in the FAR: Part 44 for Subcontracting; Part 27 for Data and Patents; Part 28 for Insurance; and Part 45 for Government Property. • Section 35.015, “Contracts for research with educational institutions with educational institutions and nonprofit organizations” is removed. However, education institutions are still highlighted as an organization-type that should be considered during evaluation for award at 35.201. • Requirements for Standard Form 298, Report Documentation Page, are removed. This provides more flexibility to complete reports in the best suited manner for the R&D effort.
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IV. Required Actions: All DOT Operating Administrations (OAs), the Office of the Secretary of Transportation (OST), and the Office of the Inspector General (OIG), excluding the Federal Aviation Administration (FAA) per RFO TAR 1201.104(d) shall follow the [RFO FAR part 35 model deviation text](#) instead of FAR part 35 as codified at 48 CFR chapter 1. The Council’s RFO FAR part 35 model deviation text is available at [Acquisition.gov/far-overhaul](#) and is incorporated by reference into this CD. A line-out version of the changes may also be found [here](#) for reference.

Heads of the Contracting Activities (HCAs) must ensure this deviation is disseminated to the acquisition workforce and ensure compliance with the requirements in the revised FAR part 35 guidance.

V. Applicability: This CD applies to all DOT OAs, OST, and OIG, excluding the FAA in accordance with TAR 1201.104(d).

VI. Expiration Date: This CD will remain in effect until it is incorporated into the FAR or is otherwise rescinded, whichever occurs first.

VII. Point of Contact: Questions or comments regarding this deviation may be directed to DOTAcquisitionPolicy@dot.gov.